

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TOM GONZALES,

No. C 11-06265 SI

Plaintiff,

**ORDER REGARDING DISCOVERY
DISPUTES**

v.

RDCO 44, LLC; MCCOVEY'S, INC.; MARIA
MARIA HOLDINGS, INC; JEFFERY DUDUM;
RICK DUDUM; ROCKY DUDUM; and DOES
1-20,

Defendants.

On October 9, 2012, defendants filed a letter brief requesting that the Court resolve several discovery issues. Plaintiff Gonzales filed a response the next day. As directed at a subsequent case management conference, the parties submitted further letters to the Court on November 2, 2012. The Court has considered the papers submitted by the parties, and resolves the discovery issues as follows.

1. Completing Plaintiff's Deposition

Plaintiff Gonzales completed three hours of deposition testimony in California on September 27, 2012. The parties agreed that Gonzales would appear in California for further deposition testimony, but have been unable to schedule that testimony. Plaintiff has suggested several dates in the middle or end of November, and has represented that Gonzales will appear before the end of November. Therefore, Tom Gonzales is ORDERED to appear in California to complete his deposition testimony no later than **November 30, 2012.**

2. Scheduling Other Depositions

Plaintiff and defendants have also struggled to schedule the depositions for other key witnesses. Tom MacManus¹ is a key witness both in his individual capacity and as the “most knowledgeable person” for TG Investments, LLC. The parties have agreed to depose MacManus in Florida instead of California, but have been unable to agree on a date. The week of November 18, 2012 has been tentatively proposed, but there has not been a mutual agreement on the date of the deposition. Accordingly, Tom MacManus is ORDERED to appear in Florida to provide deposition testimony no later than **November 25, 2012**. The parties appear to have resolved their scheduling conflicts regarding the depositions of other witnesses.

3. Plaintiff’s Lack of Written Responses

Defendants alleged that plaintiff has not provided all responsive documents to the Defendant RDCo 44’s First Request for Production of Documents, served on June 22, 2012. Plaintiff agreed to produce these documents no later than November 12, 2012. The parties have apparently resolved this dispute on their own.

4. Computer Servers

In a related case, California Bank & Trust is the judgment creditor for Dudum Sports Entertainment (“DSE”) in a pending action in San Francisco Superior Court (10-CGC-496596). DSE is central focus of this case. In the state court case, a Receiver has been appointed to control all former DSE documents, including numerous computer servers. The parties have access to the documents, but final possession has not yet been determined. Defendants only request that the Court order that the DSE documents be preserved and made available, and plaintiff agrees with this request. Therefore, the Court ORDERS that the DSE documents be preserved and made available to all parties in this action upon reasonable notice.

¹ In plaintiff’s letter, his last name is spelled McManus.

This resolves Docket Nos. 49 and 50.

IT IS SO ORDERED.

Dated: November 14, 2012



SUSAN ILLSTON
United States District Judge